

SUMMARY ANALYSIS OF AMENDED BILL

Author: Keene Analyst: Deborah Barrett Bill Number: AB 2362
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: May 8, 2008
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agencies Provide Certain Notification To Residents Of State When Collecting Personal Information

- ____ DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- ____ AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- X AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as amended April 22, 2008.
- ____ FURTHER AMENDMENTS NECESSARY.
- ____ DEPARTMENT POSITION CHANGED TO _____.
- X REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED/AMENDED April 22, 2008, STILL APPLIES.
- ____ OTHER – See comments below.

SUMMARY

This bill would require state agencies to provide a specific notice to residents of the state when personal information is collected.

SUMMARY OF AMENDMENTS

The May 8, 2008, amendments would allow state agencies to incorporate the notice that would be required under this bill's provisions into existing forms and documents and allow the revisions to occur at the earliest scheduled revision date for the forms and documents occurring on or after January 1, 2009.

The May 8, 2008, amendments did not resolve the "Implementation Consideration" or "Technical Consideration" identified in the department's analysis of the bill as amended April 22, 2008, which are repeated below for convenience. The remainder of the department's analysis of the bill as amended April 22, 2008, still applies.

Board Position:

_____ S	_____ NA	_____ NP
_____ SA	_____ O	_____ NAR
_____ N	_____ OUA	<u>X</u> PENDING

Legislative Director

Date

Brian Putler

5/19/08

POSITION

Pending.

THIS BILL

This bill would require a state agency to provide a notice informing residents of the following when collecting personal information:

- The agency will handle personal information in a secure manner to prevent unauthorized disclosure, and
- The resident will be notified promptly in the event of a breach of security of a system containing personal information.

An agency can incorporate the notice required by this bill's provisions into existing forms and documents. The state agency can revise existing forms or documents at its earliest scheduled revision occurring on or after January 1, 2009.

As specified in the bill language, the provisions of this bill are operative only if AB 1779 of the 2007-08, Regular Session is enacted and becomes effective on or before January 1, 2008.

IMPLEMENTATION CONSIDERATIONS

The bill would require an agency to provide a notice to state residents when collecting personal information. It is unclear whether the author intends one notice to a taxpayer for each item of information collected or whether one notice to a taxpayer will suffice where multiple records are collected. It is recommended that the author clarify whether a one-time notice is sufficient for complying with this bill, or whether each incidence of data collection would require a notice to the impacted taxpayers.

TECHNICAL CONSIDERATIONS

The contingent operative language provides that AB 1779 of the 2007-08, Regular Session must be enacted and effective on or before January 1, 2008, for this bill to be operative, which is a date that has already passed. The author may want to change the date to January 1, 2009.

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